

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRICKLAYERS PENSION TRUST FUND-  
METROPOLITAN AREA, et al,

Plaintiffs,

v

ORLANDO & SONS, INC. and ANDREW  
ORLANDO,

Defendants.

v

J.P. MORGAN CHASE BANK, N.A.

Garnishee Defendant

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Case No. 06-15700

Hon. Patrick J. Duggan

CONSENT ORDER REGARDING  
DISPOSITION OF GARNISHMENT PROCEEDS

The parties hereto stipulate as follows:

A. On July 16, 2008, this Court issued a Request and Writ for Garnishment ("Writ") against Garnishee Defendant J.P. Morgan Chase Bank, N.A. ("Chase") [Docket No. 41].

B. On July 28, 2008, Chase served its Garnishee Disclosure admitting liability to Defendant Orlando & Sons, Inc. ("Orlando"), in the amount of \$27,322.73 contained in checking account number 86034434 (the "Garnished Funds").

C. Orlando has asserted that a portion of the Garnished Funds is necessary to pay payroll and payroll taxes in the amount of \$9,096.25 for the weeks ending July 26, 2008 and August 2, 2008 ("Payroll").

D. Additionally, Orlando has asserted that portions of the Garnished Funds are necessary to pay Masonpro, Inc. in the amount of \$2,480.48 and Grand Blanc Cement Products,

Inc., in the amount of \$10,719.09, for certain supplies and material ("Material") provided to the construction project on which the Garnished Funds were generated.

E. Orlando has provided Plaintiffs with documentation regarding the amounts asserted as necessary to pay for the Material and Payroll. Accordingly, the parties have reached an agreement regarding the disposition of the Garnished Funds.

NOW THEREFORE,

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Garnished Funds currently held by Chase and subject to the Writ issued against Chase in the amount of \$27,322.73 shall immediately be disbursed and made payable to Plaintiffs, the Bricklayers Fringe Benefit Funds, in the amount of \$5,026.10, c/o Erman, Teicher, Miller, Zucker & Freedman, P.C., 400 Galleria Officentre, Ste 444, Southfield, Michigan 48034, Attn: David M. Eisenberg. The balance of the Garnished Funds in the amount of \$22,296.63 shall immediately be released to Defendant Orlando & Sons, Inc.

2. The amount of the Garnished Funds disbursed to Plaintiffs, totaling \$5,026.10, shall be first used to pay fringe benefit contributions due Plaintiffs for the weeks ending July 26, 2008 and August 2, 2008 in the amount of \$3,286.23. The balance of the Garnished Funds disbursed to Plaintiffs, in the amount of \$1,739.87, shall be applied to the balance owing on the Amended Judgment as entered in favor of Plaintiffs and against Defendants on June 10, 2008 [Docket No. 15].

3. The balance of the Garnished Funds disbursed to Orlando & Sons, Inc. shall be used to pay payroll and payroll taxes in the amount of \$9,096.25 and to pay Grand Blanc Cement Products, Inc., and Masonpro, Inc., in the amounts of \$10,719.09 and \$2,480.48, respectively, for materials and supplies provided to the project on which the Garnished Funds were generated.

4. The disbursements required by this Order as set forth in paragraphs (1) and (3) above shall be made immediately by Chase upon service of the instant Order upon Chase via facsimile at 225-332-7274.

DATED: August 13, 2008

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

**Stipulated and agreed to:**

ERMAN, TEICHER, MILLER,  
ZUCKER & FREEDMAN, P.C.

/s/ David M. Eisenberg  
DAVID M. EISENBERG (P68678)  
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Dated: August 11, 2008

/s/ R. Timothy Kohler  
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Dated: August 11, 2008